

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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| <p><b>TIMOTHY CLINGERMAN,</b><br/>Plaintiff,<br/><br/>v.<br/><b>GENESEE COUNTY JAIL, et al.,</b><br/>Defendants.</p> | <p><b>2:23-CV-13121-TGB-DRG</b><br/><br/><b>ORDER ADOPTING REPORT<br/>AND RECOMMENDATION<br/>(ECF NO. 25)</b></p> |
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This matter is before the Court on Magistrate Judge David R. Grand's August 14, 2024, Report and Recommendation (ECF No. 25) recommending that Plaintiff's Complaint (ECF No. 13) be dismissed, and Defendant's Motion to Dismiss (ECF No. 14) be denied as moot.

The Court has reviewed Judge Grand's Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.*

Where, as here, neither party has lodged objections to a Report & Recommendation, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The

Court is mindful that the docket reflects that efforts to serve Clingerman with the Report & Recommendation have been unsuccessful and his mail has been returned as undeliverable. ECF No. 26. But Clingerman is under a duty to keep the Court updated regarding changes in his address, and he was warned that failure to promptly notify the court of a change in address may result in dismissal. ECF No. 3. In any event, despite being under no obligation to do so, the Court independently reviewed the record and sees no possible meritorious objections to the Report & Recommendation. The Court will, therefore, accept Judge Grand's Report and Recommendation of August 14, 2024, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Judge Grand's Report and Recommendation of August 14, 2024 (ECF No. 25), is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that the case is **DISMISSED**. This is a final order that closes this case.

**SO ORDERED.**

Dated: September 9, 2024

/s/Terrence G. Berg

HON. TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served via electronic and/or ordinary mail.

Dated: September 9, 2024

By: /s/T. McGovern  
Case Manager

BY THE COURT:

/s/Terrence G. Berg  
TERRENCE G. BERG  
United States District Judge